

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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WILLIE C. SIMPSON,

Plaintiff,

v.

DALIA SULIENE and LORI ALSUM,

Defendants.  
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ORDER

08-cv-054-bbc

In this prisoner civil rights case, plaintiff Willie Simpson is proceeding on a claim that defendants Dalia Suliene and Lori Alsum are violating the Eighth Amendment by refusing to treat his pancytopenia, which is a blood abnormality often associated with HIV. Now before the court is plaintiff's "Motion for Judgment" in which he argues that he is entitled to judgment as a matter of law because defendants never responded to his motion for a preliminary injunction.

It is not clear why plaintiff believes that defendants failed to respond to his motion. On August 7, 2008, defendants filed with this court a brief in opposition to plaintiff's motion, dkt. #71, proposed findings of fact, dkt. #73, proposed conclusions of law, dkt. #74, response to plaintiff's proposed findings of fact, dkt. #72, and an affidavit of defendant

Sulienne, dkt. #75. In addition, they filed a certificate of service with the court that they had mailed all of these materials to plaintiff at the Columbia Correctional Institution, dkt. #76, where plaintiff says in his motion he is still housed.

Whether there was a delay in the mail or a mix up at the prison, to keep the case moving, I will send to plaintiff with this order a copy of all the materials defendants' filed in response to his motion. Plaintiff may have until August 25, 2008, to file a reply. However, I request that counsel for defendants look into the matter so that any problem that occurred does not happen again.

ORDER

IT IS ORDERED that plaintiff Willie Simpson's motion for judgment, dkt. #77, is DENIED. Plaintiff may have until August 25, 2008, to file and serve a reply to defendants' materials included with this order.

Entered this 13<sup>th</sup> day of August, 2008.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge